

THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA ~

Plaintiff, ~

V. ~

CRIMINAL NO. 99-078-03 (HL)

CRIMINAL NO. 00-905-02 (JAF)

Ricardo Casillas-Cruz, ~

Defendant. ~
_____ ~

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U.S. DISTRICT COURT
SAN JUAN, P.R.

MOTION TO REQUEST MODIFICATION OF SUPERVISED RELEASE

TO THE HONORABLE JOSE ANTONIO FUSTE

UNITED STATES DISTRICT COURT JUDGE FOR THE DISTRICT OF
PUERTO RICO

NOW COMES Defendant/Petitioner RICARDO CASILLAS-CRUZ, acting pro-se and very respectfully request this Honorable Court for Modification of Supervise Release pursuant to Title 18 USC 3583 (e) (1) and Federal Rules of Criminal Procedures, Rule 32.1 (b).

1. Jurisdiction for the Court to entertain this motion is in Title 18 USC section 3582, wherein the Court retains authority to modify the nonimprisonment aspects of a sentence, and pursuant to Title 18 USC enlarge the conditions of supervise release at any time prior to the time of expiration of said terms.

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2. The Defendant/Petitioner was sentenced by this Court to 30 months of incarceration and a term of 3 years of Supervised Release on March 18, 2002 for a violation of Title 18:1951 and Title 18:371, for the Petitioner served his incarceration at FPC Pensacola, and while the Petitioner was an inmate in the Bureau of Prisons, his records was impeccable, rated with an overall scores of excellent and good.
3. Since being released from FPC Pensacola, the Petitioner served 2 months at the Community Correction Center. While under this Community Correction Program, the Petitioner was required to oblige himself to the rules and regulations of the Community Correction manager, and participated in workshops and different programs. The Petitioner successfully completed the CCC program and his conduct and behavior was again exemplary.
4. The Petitioner commenced his 3 years of supervised release on the 22nd of April 2004. Mrs. Sally J. Stains has been his Probation Officer. During this last 23 months, the Petitioner has satisfactory met all conditions of his supervise release, including reporting on time, providing all required written documentation, remaining gainfully employed, not associating with anyone with a criminal record, did not possess or have access to fire arms, did not possess or use illegal drugs, and did not engage in any criminal activities, or get arrested.
5. The Petitioner has been traveling to Puerto Rico for personal reasons for the last 13 months, providing the U.S. Probation Office with a report as requested.

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6. Federal Sentencing Guidelines 5B1.4, enumerates a list of thirteen "standard" conditions of supervise release. In determining whether a "standard condition is applicable to a specific defendant, Title 18 USC section 3553 (a) is referred to by the Guidelines as a description of factors to be relied upon.
7. Factors to be considered in Title 18 USC section 3553 (a) in determining the terms and conditions of Supervise Release are prefaced with; **"The Court Shall impose a sentence sufficient, but not greater than necessary to comply with the purposes set forth..."(emphasis added).**
8. Title 18 USC section 3583 (e) provides: "That the Court after considering the factors set forth in section 3553 (a) (1), (a)(2)(c), (a)(2)(d), (a)(5) and (a)(6).
(1) "Terminate a term of supervise release and discharge the person at any time after the expiration of one year of supervise release, pursuant to the provisions of the Federal Rules of Criminal Procedures relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the person and the interest of justice"
9. Rule 32.1 (b) of the Federal Rules of Criminal Procedure governs the mechanism for obtaining a **Modification of Supervise Release**. The advisor committee notes to the Federal Rules of Criminal Procedure 32.1 (b), provides some guidance to the Court on this issue.

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It states in part:

"Probation conditions should be subject to modification, for the sentencing Court must be able to respond to the changes in the Probationers circumstances as well as new ideas and methods of rehabilitation. See generally, ABA Standard section 3.3. The sentencing Court is given the authority to shorten the term or end probation early upon its own motion without a hearing..."

10. The Petitioners submits that he has met the minimal requirements of Title 18 USC 3583 (e)(1); the Petitioner served a minimum of one year on supervised release and has met the minimal threshold requirement. Indeed, the Petitioner has convincingly demonstrated to this Court and the Bureau of Prisons his good conduct. The Bureau of Prisons classified the Petitioner as a low level security risk. During his period of incarceration, the Petitioners work record was excellent. Lastly, the Petitioner was found to be qualified applicant during the last months of incarceration for halfway house/home confinement placement.
11. Moreover, the Petitioner submits that his conduct while on supervise release abiding to all the thirteen conditions of his probation, makes him an excellent candidate to qualify for modification of his supervise release.
12. The Petitioner request this action to allow him the opportunity to broaden his career goals, seek better opportunities and security for his family and resume the normalcy of life as a good citizen. These reasons are consistent with consideration of Title 18 USC section 3553 (a)(2)

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13. Therefore, the Petitioner prays this Court to modify his term of supervised release to 24 months, or alternatively up to the day the Court order is entered, and terminates the remaining period of supervised release.

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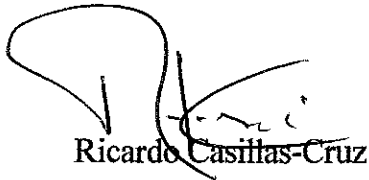
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In Mulberry, Florida to San Juan, Puerto Rico this 27th day of March, 2006

A handwritten signature in black ink, appearing to read 'Ricardo Casillas-Cruz', is written over the printed name.

Ricardo Casillas-Cruz

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